

UNITED STATES DISTRICT COURT
DIVISION OF EASTERN NEW YORK

FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT E.D.N.Y.

★ APR 29 2008 ★

County of Suffolk

Plaintiff,
v.

GEORGE R. SIMPSON, JEAN SIMPSON,
CHARLOTTE SIMPSON, OFFICE
MANAGEMENT SYSTEMS CORP., SUFFOLK
RESEARCH SERVICE, INC.

Defendant

LONG ISLAND OFFICE

CV-07-1644
Seybert, J.
Orenstein, M.

ANSWER

COMES NOW, the Defendant, Charlotte Simpson, Pro Se, and files this answer to Plaintiff's AMENDED COMPLAINT, and respectfully allege upon information and belief as follows:

Defendant Charlotte Simpson was not served in accordance with the law. The "Return of Service" filed with the Court by Michele J. Marzullo was not in accordance with the law. (Exhibit 1, attached hereto)

Mr. Marzullo claimed that he:

"Left copies there at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein."

He states that he handed the Summons and Complaint "For Charlotte Simpson 20 Warfield Way, Southampton, N.Y. 11968".

Charlotte Simpson did not at the time, and does not now live in Southampton, NY, and 20 Warfield Way, Southampton, NY 11968 is not and was not her "dwelling house or usual place of abode".

20 Warfield Way, at the time of service (May 15, 2007) was unoccupied.

1. Admit that Plaintiff purports to seek declaratory and injunctive relief and monetary damages against Defendants under the copyright laws of the United States, and except as so admitted, deny the allegations contained in paragraph 1 of the Complaint.
2. Admit that the Court has jurisdiction pursuant to 28 U.S.C. §1338. Deny that there has been any violation of the Copyright laws of the United States by Defendant Charlotte Simpson.
3. Admit that Defendant Charlotte Simpson resides in New York State and that Venue is proper pursuant to 28 U.S.C. §1400.
4. Neither Admit nor Deny allegations contained in paragraph 4 of the Complaint.
5. Admit George R. Simpson is a resident of Town of Southampton, County of Suffolk, State of New York.
6. Admit Jean S. Simpson is a resident of Town of Southampton, County of Suffolk, State of New York.
7. Deny that Charlotte Simpson is a resident of Town of Southampton, County of Suffolk, State of New York.
8. Admit that Office Management Systems Corp. is a Corporation organized pursuant to the laws of the State of New York. Deny that Office Management Systems Corp. has offices at 425 County Road 39A, Southampton, N Y and 33 Flying Point Road, Southampton, NY. Its offices are now at PO Box 775, Hampton Bays, NY.
9. Admit that Suffolk Research Service, Inc. is a Corporation organized pursuant to the laws of the State of New York. Deny that Suffolk Research Service, Inc. has offices at 33 Flying Point Road, Southampton, NY. Its offices are now at PO Box 775, Hampton Bays, NY.
10. Deny allegations contained in Paragraph 10 of the Complaint.
11. Neither admit nor Deny allegations contained in Paragraph 11 of the Complaint.
12. Neither admit nor Deny allegations contained in Paragraph 12 of the Complaint.
13. Neither admit nor Deny allegations contained in Paragraph 13 of the Complaint.
14. Neither admit nor Deny allegations contained in Paragraph 14 of the Complaint.
15. Neither admit nor Deny allegations contained in Paragraph 15 of the Complaint.

16. Deny allegations contained in Paragraph 16 of the Complaint.
17. Deny allegations contained in Paragraph 17 of the Complaint.
18. Deny allegations contained in Paragraph 18 of the Complaint.
19. Deny that Defendants Wrongfully and for personal or financial gain operate websites which encourage the misappropriation of plaintiff's proprietary information. Admit that copies of website material are attached to Complaint as Exhibit "B" and Exhibit "C".

ANSWERING THE FIRST JUDGEMENT DEMAND

20. Defendants repeat and reallege each and every allegation contained in paragraph 1 through 19 of its answer herein above stated, and, except as so admitted, deny each and every allegation contained in paragraph A of the Complaint.

ANSWERING THE SECOND JUDGEMENT DEMAND

21. Defendants repeat and reallege each and every allegation contained in paragraph 1 through 20 of its answer herein above stated, and, except as so admitted, deny each and every allegation contained in paragraph B of the Complaint.

ANSWERING THE THIRD JUDGEMENT DEMAND

22. Defendants repeat and reallege each and every allegation contained in paragraph 1 through 21 of its answer herein above stated, and, except as so admitted, deny each and every allegation contained in paragraph C of the Complaint.

ANSWERING THE FORTH JUDGEMENT DEMAND

23. Defendants repeat and reallege each and every allegation contained in paragraph 1 through 22 of its answer herein above stated, and, except as so admitted, deny each and every allegation contained in paragraph D of the Complaint.

ANSWERING THE FIFTH JUDGEMENT DEMAND

24. Defendants repeat and reallege each and every allegation contained in paragraph 1 through 23 of its answer herein above stated, and, except as so admitted, deny each and every allegation contained in paragraph E of the Complaint.

FIRST AFFIRMATIVE DEFENSE

25. The Complaint must be dismissed against Defendant Charlotte Simpson for "insufficient service of process".

WHEREFORE, Defendants Charlotte Simpson respectfully request that the Court enter judgement as follows:

Dismiss the Complaint against Charlotte Simpson for "insufficient service of process".

CHARLOTTE SIMPSON, PRO SE

DATED: April 27, 2008

By: 

Charlotte Simpson

c/o George R. Simpson
PO Box 775
Hampton Bays, NY 11946
Phone: 631-357-9502

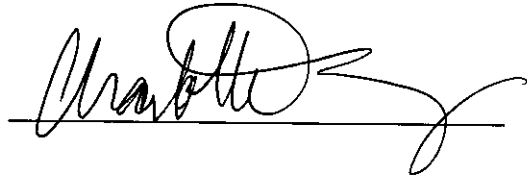
CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and exact copy of the foregoing pleading was served by mailing the same, postage prepaid, by hand delivery or by facsimile on the 27th day of April, 2008.

To: Christine Malafi
Suffolk County Attorney
H. Lee Dennison Building
100 Veterans Memorial Highway
P.O. Box 6100
Hauppauge, NY 11788

Attn: Leonard G. Kapsalis, Esq.
Suffolk County Department of Law

Via: FedEx [XX] Fax [] Hand []

A handwritten signature in black ink, appearing to read "Christine Malafi", is written over a horizontal line.

Address of the Court Clerk:
Mr. Robert C. Heinemann, Clerk of the Court
United States District Court
Eastern District of New York
Long Island Courthouse
100 Federal Plaza
Central Islip, NY 11722

Exhibit 1.

Case 2:07-cv-01644-JS-MLO Document 25 Filed 05/15/2007 Page 1 of 1

CO. OF SUFFOLK vs GEORGE SIMPSON, ETC.

RETURN OF SERVICE

Service of the Summons and Complaint was made by me
 Name of Server: MICHELE J. MARZULLO Date: MAY 14, 2007 - 3:00 P.M.
 Title: INVESTIGATOR

Check one box below to indicate appropriate method of service

☐ Served personally, upon the defendant. Place where served:

☒ Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein. FOR CHARLOTTE SIMPSON
20 WARFIELD WAY, SOUTHAMPTON, N.Y.
11968
 Name of person with whom the summons and complaint were left: LEFT WITH - MOTHER - JEAN SIMPSON

☐ Returned unexecuted

☐ Other (specify):

STATEMENT OF SERVICE FEES

DATE	AMOUNT	TOTAL
		\$0.00

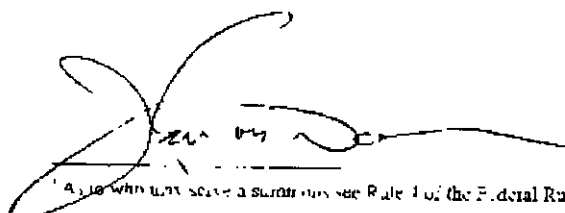
DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.

Executed on MAY 15, 2007
 Date

Michele J. Marzullo
 Signature of Server

100 VETERANS MEM. HWS
 Address of Server: HAUPAUGE, N.Y.



JOHN M. DONOVAN
 Notary Public, State of New York
 No. 52-4828206
 Qualified in Suffolk County
 Commission Expires 2/28/2011

A person who serves a summons see Rule 4 of the Federal Rules of Civil Procedure